

H. B. COMPANY,

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AGBCA No. 2001-143-1

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Appellant

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DECISION OF THE BOARD OF

CONTRACT APPEALS

December 20, 2001

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal, received at the Board March 30, 2001, arises out of the Blonde Salvage Timber Sale, Contract No. 068892, between H. B. Company of Grants Pass, Oregon (Appellant), and the U. S. Department of Agriculture, Forest Service (FS or Government), Fremont National Forest, Oregon. Appellant timely appealed the Contracting Officer's (CO's) decision of March 12, 2001, denying its claim for \$67,034. The claimed costs pertained to three issues: (1) those costs arising from the FS's refusal to allow it to begin operations during the period June 22 through July 11, 1999; (2) mobilization and demobilization costs when Appellant left the site and returned because of a dispute over blue marked South Fork timber; and (3) costs resulting from the FS's refusal to allow logging of all blue marked timber within the sale boundaries during 1999 when the sale was active.

The Board has jurisdiction of this appeal under the Contract Disputes Act of 1978 (Act), 41 U.S.C. §§ 601-613, as amended.

The parties filed pleadings and submitted an appeal file and supplement to the appeal file. Appellant requested a hearing. When the Board contacted the parties to set a telephonic conference to schedule further proceedings, the parties indicated that they were discussing settlement and would provide a status report after further talks.

Thereafter, on November 29, 2001, the Board received a Settlement Agreement and Stipulation for Judgment signed by both parties. The agreement and stipulation recited that the matter was agreed to be settled by payment from the Government to Appellant in the amount of \$33,000 plus interest from November 29, 2000, as provided for in the Act. The parties further stipulated that the FS lacked funds with which to pay the agreed amount and to enable payment from the Judgment Fund, requested that judgment be entered in favor of Appellant in the agreed amount of \$33,000, plus interest as provided in the Act.

DECISION

In accordance with the stipulation of the parties, the Board hereby enters judgment in favor of Appellant in the amount of \$33,000 plus interest in the rates as provided in the Act from November 29, 2000. The appeal is hereby granted.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
December 20, 2001